REMARKS

Applicants respectfully request further examination and consideration in view of the claims above and the arguments set forth fully below. Within the Office Action, Claims 1-17 and 23-31 have been rejected. By the above amendments, Claims 32-40 have been added. Accordingly, Claims 1-17 and 23-40 are currently pending.

Amendments to the Claims

Within the Advisory Action dated April 21, 2010, it is stated that "nowhere in the claim's language is there a disclosure of 'toggling' between hot keys to view sub-menu," that "[a]s written, there is no mention in the claim of idle or non-idle's language," and that "if the claim's language was specific that the navigation key's activation has to take place in a non-idle state, applicants' arguments may have been persuasive." New Claim 32 recites the aforementioned limitations. Support for new Claims 32-40 is found, at least, on pages 7-10 of the present specification. No new matter has been added by these amendments to the claims.

Response to Advisory Action

In regards to U.S. Publication No. 2001/0003097 to Jeoung (hereinafter "Jeoung"), it is stated in the Advisory Action that:

> one skilled in the art would appreciate the importance of what action takes place when the UP key is assigned to a function, a pressing of the up key executes the assigned function. In that stated case, *there is no rest state or need for a focus point since the execution of the function depends solely on the pressing of the UP key.* ... Therefore, one skilled in the art would appreciate that the user can switch between different menu items in the case where the pressing of the UP key is defined for a desired sub-menu associated with a first main menu, and the pressing of the UP_LONG key is assigned to a different sub-menu item associated with a different main menu. [Advisory Action, page 2, emphasis added]

Applicants respectfully disagree with the Examiner's characterization of executing a function without a rest state or need for a focus point. As previously argued, to activate a hot key in Jeoung, the phone must be in idle state. Throughout the given examples of activating a hot key in Jeoung, Jeoung teaches that the phone must always be in idle state. For example, in paragraph 0026, Jeoung teaches that if the user presses the UP key *during the idle state*, the phone executes the calendar function, and that if the user presses the DOWN key *during the idle state*, the phone

executes another assigned function. One skilled in the art would appreciate that once a function is executed (i.e., the phone is in a non-idle state), the hot keys would not work. If the phone is in a non-idle state, the navigation keys function as intended. For example, a user is not able to after pressing the UP key to execute the calendar function, directly press the DOWN key to activate the associated function. Instead, directly pressing the DOWN key will move the position of cursor down in the calendar. The Examiner's conclusion that "there is no rest state or need for focus point since the execution of the function depends solely on the pressing" a hot key is therefore inaccurate.

Within the Advisory Action, it is stated that Applicants did not include certain limitations, such as "toggle between hot keys to view sub-menu items" and "non-idle state," and therefore Jeoung reads on the claims as written. Applicants respectfully disagree. Applicants respectfully submit that Jeoung does not read on the present independent Claims 1, 23 and 27, because each claim recites the limitation, in one form or another, wherein the two-dimensional navigation key is configured to allow *viewing* of sub-menu items of a sub-menu associated with another main menu item *directly from* the sub-menu associated with the selected main menu item by a *single access* of the two-dimensional navigation key. As discussed above, Jeoung teaches that the phone must be in the idle state in order to activate a hot key. Since the phone in the non-idle state must be returned to the idle state before another function is activated, an intermediary step (to put the phone back in the idle state) between the two functions must occur, which prevents the ability to view a submenu *directly from* another submenu with *a single access* of the navigation key.

Applicants cannot find, nor has Examiner cited, any mention in Jeoung of *viewing* of sub-menu items of a sub-menu associated with another main menu item *directly from* the sub-menu associated with the selected main menu item by a *single access* of the two-dimensional navigation key. Applicants respectfully submit that it is insufficient for Examiner to merely address a portion of certain claim elements, while remaining silent on the remaining portion of the claim elements. Therefore, Applicants respectfully request that Examiner provide evidence of every portion of every element of the present invention being taught in the prior art, including the specific limitations of *viewing* of sub-menu items of a sub-menu associated with another main menu item *directly from* the sub-menu associated with the selected main menu item by a *single access* of the two-dimensional navigation key, or otherwise withdraw the rejection.

Rejections Under 35 U.S.C. § 103

Claims 1-15, 17 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0064757 to Yamadera et al. (hereinafter "Yamadera") in view of U.S. Patent No. 7,188,320 to Landers (hereinafter "Landers") and Jeoung. Applicants respectfully traverse these rejections.

For a § 103 obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combine references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. [MPEP 2143]

Independent Claim 1 recites a menu-driven electronic device comprising: a display configured to selectively display at least one of a plurality of menus, including a main menu and a sub-menu; and a two-dimensional navigation key configured as a single-button including four sets of contact points, wherein the two-dimensional navigation key is configured to select and perform an action corresponding to one of a plurality of main menu items of the main menu and to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item using the four sets of contact points, further wherein *the two-dimensional navigation key is configured to allow viewing of sub-menu items of a sub-menu associated with another main menu item directly from the sub-menu associated with the selected main menu item by a single access of the two-dimensional navigation key.*

It is recognized within the Office Action that the combination of Yamadera with Landers "does not expressly disclose 'wherein the two-dimensional navigation key is configured to allow viewing of sub-menu items associated of the submenu associated with another main menu directly from the sub-menu associated with the selected main menu item by a single access of the two-dimensional navigation key.'" Jeoung is cited for this reason.

In the above Response to Advisory Action section, Applicants discussed **activating hot keys** in Jeoung. Applicants respectfully submit that Jeoung does not teach a two-dimensional navigation key that is configured to allow viewing of sub-menu items of a sub-menu associated with another main menu item <u>directly from</u> the sub-menu associated with the selected main menu

item by a single access of the two-dimensional navigation key during the activity of activating hot keys.

Jeoung also teaches **defining hot keys**. However, Applicants respectfully submit that Jeoung does not teach *a two-dimensional navigation key that is configured to allow viewing of sub-menu items of a sub-menu associated with another main menu item directly from the sub-menu associated with the selected main menu item by a single access of the two-dimensional navigation key during the activity of defining hot keys*. In fact, when defining a hot key, the user in Jeoung is able to view sub-menu items (functions shown in FIG. 3B) of a main menu item (ORGANIZER). [Jeoung, ¶s 0021-0025] However, Jeoung does not teach that the user is able to, by *a single access of a navigation key*, view sub-menu items of another main menu item, such as PHONE-SETTINGS, directly from the sub-menu of ORGANIZER (i.e., FIG. 3B). Instead, Jeoung teaches that the select key (as illustrated in Figures 3a-3c) must be selected.

On page 9 of the Office Action, it is stated that:

> Keeping in mind Landers discloses toggling back and forth between menu and submenu, wherein a user can view menu items and related main menu items and submenu items, combining Jeoung with Yamadera and Landers would present a device wherein directional arrows or keys (i.e., left, right, up, down) are programmed to display a particular main menu item, and submenu menu items associated with any of the main menu item using a single key-stroke. [Office Action, page 9]

Landers simply teaches the navigation key allows a user to jump from a first-level menu to a second-level menu by pressing the down arrow when the point of focus is not on the last menu item. Although Landers teaches changing between hierarchical levels, Landers does not teach changing between menus on the *same hierarchical level* by a *single access*. Landers does not teach a *two-dimensional navigation key that is configured to allow viewing of sub-menu items of a sub-menu associated with another main menu item directly from the sub-menu associated with the selected main menu item by a single access of the two-dimensional navigation key*.

Accordingly, neither Yamadera, Landers, Jeoung nor their combination teach that the two-dimensional navigation key is configured to allow viewing of the sub-menu items of the sub-menu associated with another main menu item directly from the sub-menu associated with the selected main menu by a single access of the two-dimensional navigation key. Applicants respectfully submit that to establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. [MPEP 2143.03]

Unlike Yamadera, Landers, Jeoung and their combination, the display of the present invention is configured to selectively display one of a plurality of menus, including a main menu and a sub-menu. The first orientation of the two-dimensional navigation key is configured to select one of a plurality of main menu items. The plurality of sub-menu items associated with a selected main menu item is displayed on the display. The <u>two-dimensional navigation key is configured to allow the user to view the plurality of sub-menu items associated with the selected main menu item and, with a single access, to view a plurality of sub-menu items associated with another main menu item</u> using the first orientation. As discussed above, neither Yamadera, Landers, Jeoung nor their combination teach that the two-dimensional navigation key is configured to allow viewing of sub-menu items associated of the submenu associated with another main menu directly from the sub-menu associated with the selected main menu item by a single access of the two-dimensional navigation key.

Since the cited prior art neither teaches nor renders obvious all of the elements of independent Claim 1, Applicants respectfully submit that independent Claim 1 is patentable over the prior art. Applicants respectfully submit that the same arguments made above with respect to the patentability of independent Claim 1 are applicable to the patentability of independent Claims 23 and 27 as well. For at least these reasons, independent Claims 1, 23 and 27 are each an allowable base claim.

Claims 2-15 and 17 are dependent upon independent Claim 1. Claims 24-26 are dependent upon independent Claim 23. Claims 28-31 are dependent upon independent Claim 27. As discussed above, independent Claims 1, 13 and 27 are each an allowable base claim. Accordingly, Claims 2-15, 17, 24-26 and 28-31 are allowable as being dependent upon an allowable base claim, and are now in condition for allowance.

Within the Office Action, Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamadera, Landers and Jeoung, further in view of U.S. Patent No. 6,463,304 to Smethers (hereinafter "Smethers"). Applicants respectfully traverse these rejections.

Claim 16 is dependent on independent Claim 1. As discussed above, independent Claim 1 is an allowable base claim. Accordingly, Claim 16 is allowable as being dependent upon an allowable base claim, and is now in condition for allowance.

New Claims

Independent Claim 32 recites a menu-driven electronic device comprising: a display configured to selectively display at least one of a plurality of menus, and a two-dimensional

navigation key configured as a single-button including four sets of contact points, wherein the *two-dimensional navigation key is configured to toggle between a sub-menu associated with a first main menu item directly and a sub-menu associated with a second main menu item by a single access of the two-dimensional navigation key in a non-idle state*. Since the cited prior art do not teach all the elements of independent Claim 32, Applicants respectfully submit that independent Claim 32 is patentable over the prior art.

Claims 33-40 are dependent upon independent Claim 1. As discussed above, independent Claim 32 is an allowable base claim. Accordingly, Claims 33-40 are allowable as being dependent upon an allowable base claim, and are now in condition for allowance.

Conclusion

For the reasons given above, Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: _____ May 28, 2010 _____   By:___ /Thomas B. Haverstock/ _____

Thomas B. Haverstock

Reg. No.: 32,571

Attorney for Applicants